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*Attorneys for Federal Defendants*

12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA (Oakland)

16 CENTER FOR BIOLOGICAL  
17 DIVERSITY, ET AL.,

18 Plaintiffs,

19 vs.

20 DAVID BERNHARDT, ET AL.,

21 Federal Defendants.  
22

Case. No. 4:19-cv-05206-JST

**STIPULATED ADMINISTRATIVE  
MOTION TO EXCEED PAGE  
LIMITATIONS, BRIEFING  
SCHEDULE, AND PROPOSED  
ORDER**

24 Pursuant to Local Civil Rules 7-11 and 7-12, the parties stipulate to allow  
25 Federal Defendants to file a brief in support of their motion to dismiss that exceeds  
26 the page limit provided in Local Civil Rule 7-4(b) by no more than five (5) additional  
27 pages. The parties also stipulate to a briefing schedule for Federal Defendants'  
28

1 motion. The parties stipulate to these variances from Local Rules for the following  
2 reasons:

3  
4 1. This Court has related three cases that challenge the U.S. Fish and  
5 Wildlife Service (“FWS”) and National Marine Fisheries Service (“NMFS”)  
6 regulations implementing the Endangered Species Act (“ESA”): *Center for Biological*  
7 *Diversity v. Bernhardt*, 19-cv-5206 (N.D. Cal. Aug. 21, 2019); *California v.*  
8 *Bernhardt*, 19-cv-6013 (N.D. Cal., Sept. 25, 2019); *Animal Legal Def. Fund v.*  
9 *Bernhardt*, 19-cv-06812 (N.D. Cal., Oct. 21, 2019).

10  
11  
12 2. Federal Defendants’ responses to the complaints in *Center for Biological*  
13 *Diversity* and *California* are due on December 6, 2019. *See* ECF 22. Federal  
14 Defendants’ response to the complaint in *Animal Legal Def. Fund* is not due until  
15 January 3, 2020, but they intend to also respond to that complaint on December 6,  
16 2019. Federal Defendants’ responses will likely be motions to dismiss the three  
17 related complaints under Fed. R. Civ. P. Rule 12.  
18  
19

20 3. Instead of filing three motions with separate memoranda, which could  
21 total 75 pages under Local Civil Rule 7-4(b), Federal Defendants seek to consolidate  
22 their arguments into one memorandum for all three cases.  
23

24 4. In order to address all three complaints in one consolidated memorandum,  
25 the parties stipulate to allowing Federal Defendants five (5) additional pages than  
26 otherwise provided under the Local Rule for a total of no more than 30 pages.  
27  
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1           5. In addition, briefing on the motion to dismiss will occur near and over the  
2 holidays making review with the clients difficult. Thus, the parties stipulate to the  
3 briefing schedule outlined below.  
4

5           6. The parties stipulates as follows:  
6

7               a. Federal Defendants' motion to dismiss may exceed the page limit  
8 set forth by Local Civil Rule 7-4(b) by up to five additional pages with their motion  
9 to dismiss.  
10

11               b. Plaintiffs' opposition to Federal Defendants' motion to dismiss is  
12 due no later than January 7, 2020.  
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14               c. Federal Defendants' reply in support of the motion to dismiss is due  
15 no later than January 24, 2020.  
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17  
18 DATED: December 3, 2019.  
19

20                               Respectfully submitted,

21                               JEAN E. WILLIAMS,  
22                               Deputy Assistant Attorney General  
23                               SETH M. BARSKY, Chief  
24                               MEREDITH L. FLAX, Assistant Chief

25                               /s/ Coby Howell.

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\* In compliance with Civil Local Rule 5-1(i), the filer of this document attests that all signatories listed have concurred in the filing of this document.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated December 9, 2019:



The Honorable John S. Tigar

U.S. District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Coby Howell

COBY HOWELL, Senior Attorney